

SENATE BILL 437

By Haile

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 4; Title 39, Chapter 14, Part 1; Title 39, Chapter 17, Part 4; Title 40, Chapter 35 and Title 41, relative to certain crimes involving drugs.

WHEREAS, it is the intention of this General Assembly to protect pharmacists, pharmacy staff members, patients, and citizens in Tennessee-licensed pharmacies by deterring the occurrence of illegal drug activities. The enhanced and mandatory minimum sentences required by this act for offenses occurring on the premises of licensed pharmacies are necessary to serve as a deterrent to such unacceptable conduct; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 35, Part 1, is amended by adding the following as a new, appropriately designated section:

(a) A violation of § 39-14-103 or §§ 39-13-401—39-13-404, or a conspiracy to violate those sections, that occurs within or on the premises of any licensed pharmacy and is committed for the purpose of obtaining, selling, delivering, giving, or exchanging a controlled substance, controlled substance analogue, or other illegal drug shall be subject to enhanced sentencing as provided in this section.

(b) Notwithstanding § 40-35-111, an offender described in subsection (a) shall be subject to the following fines:

(1) Upon conviction of a Class E felony, a fine of not more than ten thousand dollars (\$10,000);

(2) Upon conviction of a Class D felony, a fine of not more than twenty thousand dollars (\$20,000);

(3) Upon conviction of a Class C felony, a fine of not more than forty thousand dollars (\$40,000);

(4) Upon conviction of a Class B felony, a fine of not more than sixty thousand dollars (\$60,000); and

(5) Upon conviction of a Class A felony, a fine of not more than one hundred thousand dollars (\$100,000).

(c) Notwithstanding § 40-35-501, an offender described in subsection (a) shall serve at least the minimum sentence for the offender's appropriate range of sentence. No sentence reduction credits authorized by § 41-21-236, or any other provision of law, shall operate to reduce the sentence imposed by the court to less than the minimum sentence for the offender's appropriate range of sentence.

(d) Nothing in this section shall be construed to prohibit a court from sentencing an offender described in subsection (a) to any authorized term of incarceration in excess of the minimum sentence for the offender's appropriate range of sentence.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it, and shall apply to offenses occurring on or after that date.